

**REMARKS**

This Amendment is filed on May 9, within two months of the final Office Action, which has a mailing date of March 9, 2005. The Applicant thanks the Examiner for carefully reviewing the present application and the detail response to the Applicant's arguments from the Amendment submitted on November 19, 2004.

Although the Applicant disagrees that Herz anticipates the claimed embodiments as claimed in the application, the Applicant is amending the claims to provide further clarification of the claimed embodiments and further distinguish the claimed embodiments from the reference to facilitate allowance of the claims.

The Applicant respectfully submits arguments to distinguish the claimed embodiment in light of the amended claims. The Applicant respectfully requests the Examiner to consider the Applicant's arguments and enter the amended claims as submitted in this Amendment.

Claims 1, 14, 16, 17, 22, 24, and 28-31 are amended, and claims 20, 21, 27, are cancelled.

Claims 1- 19, 22-26, and 28-35 are pending after entry of the present Amendment.

**Rejection under 35 U.S.C. § 102(e)**

Claims 1-6, and 11-27 are rejected under 35 U.S.C. § 102(e) as being anticipated by Herz (U. S. Patent No. 6,460,036). Applicant respectfully traverses.

Herz discloses that users may receive information on a computer network by actively retrieving the information or by passively receiving the information. *See col. 2, lines 29-31*. The Examiner asserts that the step of retrieving or receiving information from the computer network implies that a search request for an item was generated, and therefore, implicitly

discloses the limitation of a search request comprising a search item. *See page 24, Item 7A of the final Office Action.*

Information received on a computer network does not imply that the information received is a result of a search request that was initiated by a customer or a user of that computer network. As Herz further disclosed, unsolicited information, e.g., junk mail, is often sent to a targeted user on a computer network by other individuals and organizations. *Col. 2, lines 31-34.* Thus, the step of retrieving or passively receiving unsolicited information or junk mail by a targeted user does not constitute the targeted user having generated a search request for that unsolicited information or junk mail. A targeted user at a customer computer retrieving or passively receiving unsolicited information or junk mail is simply retrieving or passively receiving what was sent to that customer computer. No search request was generated by the targeted user or customer to receive that unsolicited information or junk mail.

Since Herz fails to provide any further details other than disclosing that users, e.g., targeted users, may receive information on a computer network, the step of actively retrieving or passively receiving information that was sent by some individuals or organizations cannot imply that the targeted users have generated a search request for unsolicited information or junk mail. Accordingly, Herz fails to disclose the feature of a search request comprising a search item from the customer, wherein the search request being initiated by the customer to search for the search item.

In addition, Herz's system conserves valuable storage space by only storing those target objects, which are relevant to the user's interest. *See col. 8, lines 1-9.* In contrast, the present claimed embodiments provide a customer database that is configured to store data concerning text content previously read by the customer. The data concerning text content previously read by the customer is used to compare data concerning a search item to obtain

rating data that is responsive to a search request. Accordingly, the data concerning text content that has been read by the customer are **not** target objects. Instead, data concerning text content that has been read by the customer is used to identify target objects or search items that are interested by the customer. Since the customer database is configured to store the data concerning text content previously read by the customer, it is not the same as a storage space that is configured for only storing target objects.

Furthermore, Herz discloses a system that estimates each user's interest in various target objects by comparing the target profiles of target objects against the search profiles in the users' search profile set. *See col. 6, lines 53-60*. A search profile consists of a collection attributes. *See col. 4, lines 59-62*. In contrast, the present claimed embodiments compare data concerning the search item with data concerning text content that was previously read by the customer. Search profiles in the user's search profile set are not text content that was previously read by the customer. That is, a collection of attributes of target objects is not data concerning text content that was previously read by the customer. Thus, Herz discloses a different criterion for estimating or rating various target objects from the criterion provided by the claimed embodiments.

Accordingly, for at least the differences discussed, Herz fails to disclose each and every feature of the claimed embodiments of the present invention. Thus, Claims 1-6 and 11-27 are not anticipated by Herz.

**Rejection under 35 U.S.C. § 103(a):**

Claims 7-10, and 28-35 are rejected under 35 U.S.C. § 103(a) as being obvious and unpatentable over Herz in view of Reisman (U.S. Patent No. 6,611,862).

In view of the discussion from the section above, the combination of Herz and Reisman still fails to disclose each and every feature of the claim embodiments, because

Reisman fails to remedy the deficiencies of Herz. Thus, even if Herz is combined with Reisman, the combination fails to render the claimed embodiments obvious.

Accordingly, after entry of the present Amendment, the application is now in a condition for allowance. A Notice of Allowance is therefore respectfully requested.

If the Examiner has any questions concerning the present Amendment, the Examiner is kindly requested to contact the undersigned at (408) 774-6911. If any other fees are due in connection with filing this Amendment, the Commissioner is also authorized to charge Deposit Account No. 50-0805. (Order No. SONYP008). A duplicate copy of the transmittal is enclosed for this purpose.

Respectfully submitted,  
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